

## COMMITTEES OF CONFERENCE SUBSTITUTE TO SB 72

## A BILL TO BE ENTITLED

## AN ACT

To amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to game and fish, so as to remove a prohibition on hunting on wildlife management areas; to change the date of effective rules and regulations of the Board of Natural Resources; to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting, so as to prohibit the placement of bait to cause the hunting of wildlife on adjoining lands; to modify seasons and bag limits for deer, opossum, and raccoon; to provide for the prohibition of air guns for hunting in certain circumstances; to modify certain prohibitions relating to restrictions on hunting feral hogs; to amend various provisions of the Official Code of Georgia Annotated, so as to make conforming changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to game and fish, is amended in Code Section 27-1-33, relating to noncompliance with laws while on fishing area, fish hatchery, natural area, or wildlife management area, hunting without wildlife management area license, and acts constituting criminal trespass, by revising subsection (a) as follows:

"(a) It shall be unlawful to enter upon or to hunt, trap, or fish on any public fishing area, fish hatchery, or natural area, or wildlife management area owned or operated by the department except in compliance with all applicable laws and all rules and regulations promulgated by the board, including, but not limited to, any law, rule, or regulation relating to seasons or bag limits or requiring a special permit. ~~Further, it shall be unlawful for any person except those specifically excluded by law to hunt on a wildlife management area without a valid wildlife management area license as authorized by Code Section 27-2-23.~~"

**SECTION 2.**

Said chapter is further amended by revising Code Section 27-1-39, relating to rules and regulations used to establish criminal violations, as follows:

"27-1-39.

Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this title, the term 'rules and regulations' means those rules and regulations of the Board of Natural Resources in force and effect on January 1, ~~2016~~ 2019."

**SECTION 3.**

Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting, is amended in Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, prohibition of use of silencers and suppressors, and penalty for violations, by revising subsection (a) as follows:

"27-3-4.

(a) It shall be unlawful to hunt wildlife with any weapon, except that:

(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must be broadhead type;

(2) During primitive weapon hunts or primitive weapons seasons:

(A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with single shot may be used; and

(B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;

(3) Firearms for hunting deer and bear are limited to 20 gauge shotguns or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on state wildlife management areas unless otherwise specified), muzzleloading firearms of .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that firearms for hunting feral hogs, other than those weapons specified in this paragraph, may be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and handguns must be of the expanding type;

(4) Weapons for hunting small game shall be limited to shotguns with shot shell size of no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms, air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound bows; provided, however, that in addition to the weapons listed in this paragraph, any

center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat. Nothing contained in this paragraph shall permit the taking of protected species;

~~(5) For hunting game animals other than deer and bear, shotguns shall be limited to a capacity of not more than three shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine;~~

~~(6)~~(5) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or compound bows. Any person taking turkey in violation of this paragraph shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor, except that a fine imposed for such violation shall not be less than \$250.00;

~~(7)~~(6) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained alligators may be killed with any caliber handgun or bangstick and shall be killed immediately before transporting;

~~(8)~~(7) There are no firearms restrictions for taking nongame animals, nongame birds, or feral hogs; and

~~(9)~~(8) The use of silencers or suppressors for hunting within this state is prohibited; provided, however, that a silencer or suppressor may be used for hunting on the private property of the person using such silencer or suppressor, on private property for which the owner of such property has provided verifiable permission to the person using such silencer or suppressor, and on public lands in areas designated by the department.

(9) For purposes of this subsection, the term 'air gun' means any pistol, handgun, or shoulder-held device, each of not less than 0.30 caliber, or air bow that propels a projectile in the form of a slug, shot, or arrow equipped with a broadhead utilizing unignited compressed air or gas. Air guns are legal weapons for hunting big game only during primitive weapon hunts, primitive weapon seasons, and firearm seasons. This paragraph shall stand repealed effective July 1, 2020, unless continued in effect by the General Assembly prior to that date. At its 2020 regular session, the General Assembly shall review this paragraph to determine whether it should be continued in effect."

#### SECTION 4.

Said part is further amended in Code Section 27-3-9, relating to unlawful enticement of game, by revising subsections (a), (a.1), (a.2), and (b) as follows:

"(a) ~~As used in this Code section, the term:~~

~~(1) 'Northern zone' means the northern zone for hunting deer with firearms as established pursuant to subsection (c) of Code Section 27-3-15.~~

(2) 'Southern zone' means the southern zone for hunting deer with firearms as established pursuant to subsection (c) of Code Section 27-3-15.

(a.1) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feeds or bait so as to constitute a lure or attraction or enticement for any game bird or game animal on or over any area where hunters are or will be hunting.

(a.2)(a.1) Nothing in subsection (a.1) (a) of this Code section shall prohibit any person from placing, exposing, depositing, distributing, or scattering any corn, wheat, or other grains, salts, apples, or other feeds or bait so as to constitute a lure or attraction or enticement for deer on lands that are not under the ownership or control and management of the state or federal government; provided, however, that any such lure or attraction or enticement shall not be placed, exposed, deposited, distributed, or scattered so as to cause hunting any species of wildlife on any adjoining property to be prohibited under subsection (b) of this Code section.

(b)(1) Except as otherwise provided by law or regulation, it shall be unlawful for any person to hunt any game bird or game animal upon, over, around, or near any place where any corn, wheat, or other grains, salts, apples, or other feed or bait has been placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction, or enticement to such birds or animals. It shall also be unlawful to hunt any game animal or game bird upon, over, around, or near any such place for a period of ten days following the complete removal of all such feed or bait.

(2) The prohibitions of paragraph (1) of this subsection shall not apply to:

(A) ~~The hunting of deer in the northern zone, other than on lands under the ownership or control and management of the state or federal government, if the hunter is at least 200 yards away from and not within sight of such feed or bait; and~~

(B) ~~The~~ the hunting of deer in the southern zone, other than on lands under the ownership or control and management of the state or federal government, if the hunter has written permission of the landowner to hunt upon, over, around, or near such feed or bait, except as otherwise provided by paragraph (3) of this subsection.

(3)(A) The board may by rule or regulation restrict the feeding, baiting, or hunting of deer upon, over, around, or near such feed or bait in any county wherein there is a documented occurrence of a communicable disease in deer and in any county adjoining such county. Such restriction may be imposed in such county and any adjoining county for a period of up to and including one year and may be extended for additional periods of up to and including two years each upon documentation that the communicable disease is still present in deer in such county. No person shall feed, bait, or hunt deer in violation of any restriction imposed pursuant to this paragraph.

135 (B) The department shall give notice of such restriction by mail or electronic means  
136 to each person holding a current license to hunt whose last known address is within a  
137 restricted county. The department may place or designate the placement of signs and  
138 markers so as to give notice of such restriction.

139 (4) Any person who takes any big game animal, other than deer, within 200 yards of any  
140 place where any corn, wheat, or other grains, salts, apples, or other feed or bait has been  
141 placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction,  
142 or enticement for any game bird or game animal shall, upon conviction of thereof, be  
143 guilty of a misdemeanor of a high and aggravated nature and shall be punished as  
144 provided by Code Section 17-10-4."

145 **SECTION 5.**

146 Said part is further amended in Code Section 27-3-15, relating to hunting seasons and bag  
147 limits, promulgation of rules and regulations by board, possession of more than the bag limit,  
148 and reporting number of deer killed, by revising subsections (a) and (b) as follows:

149 "(a) It shall be unlawful to hunt the following game species at any time during the periods  
150 set forth below:

| 151 | <u>Game Species</u> | <u>Closed Season</u>  |
|-----|---------------------|---|
| 152 | (1) Quail           | March 16 — Oct. 31  |
| 153 | (2) Grouse          | March 1 — Oct. 14   |
| 154 | (3) Turkey          |   |
| 155 | (A) Gobblers        | May 22 — March 14   |
| 156 | (B) Hens            | All year  |
| 157 | (4) Deer            | Jan. 16 — Sept. 7; except that <del>the</del><br>158 <del>closed season may be Feb. 1 -</del><br>159 <del>Sept. 7 in those counties specified as</del><br>160 <del>having an extended archery-only</del><br>161 <del>open season in paragraph (4) of</del><br>162 <del>subsection (b) of this Code section</del><br>163 <u>as may be appropriate, and based</u><br>164 <u>solely on sound wildlife</u><br>165 <u>management principles, the</u><br>166 <u>department may by rule extend the</u><br>167 <u>season by region, by county, or</u><br>168 <u>locale to Jan. 31 for archery only.</u> |
| 169 | (5) Bobcat          | March 1 — Oct. 14   |

- 170

(6) Opossum

March 1 — Oct. 14, ~~for that area north of and including Haralson, Paulding, Bartow, Cherokee, Forsyth, Hall, Banks, Franklin, and Hart counties~~
- 175

(7) Rabbit

March 1 — Oct. 31
- 176

(8) Raccoon

March 1 — Oct. 14, ~~for that area north of and including Carroll, Fulton, Gwinnett, Barrow, Clarke, Oglethorpe, Taliaferro, Wilkes, and Lincoln counties~~
- 181

(9) Squirrel

March 1 — August 14
- 182

(10) Bear

Jan. 16 — Sept. 7
- 183

(11) Sea turtles and their eggs

All year
- 184

(12) Cougar (~~Felis~~ Puma concolor )

All year
- 185

(13) Alligators

Nov. 1 — March 31
- 186

(14) Migratory game birds

March 11 — August 31

(b) It shall be unlawful to hunt the following game species at any time during the period set forth below, except that it shall not be unlawful to hunt the following game species during such periods or portions thereof, and in such number not to exceed the following numbers, as may be designated by the board as open seasons and bag limits for such species:

|     | <u>Game Species</u> | <u>Maximum Open Season</u> | <u>Maximum Bag Limits</u> |               |
|-----|---------------------|----------------------------|---------------------------|---------------|
|     |                     |                            | <u>Daily</u>              | <u>Season</u> |
| 194 | (1) Quail           | Nov. 1 — March 15          | 12                        | No limit      |
| 195 | (2) Grouse          | Oct. 15 — Feb. 29          | 3                         | No limit      |
| 196 | (3) Turkey          | March 15 — May 21          | 3                         | 3             |
| 197 | gobblers            |                            |                           |               |

|     |             |  |                                      |           |
|-----|-------------|--|--------------------------------------|-----------|
| 198 | (4) Deer    | Sept. 8 — Jan. 15; except that <del>there may</del>  | <u>12</u>                            | <u>12</u> |
| 199 |             | <del>be also an extended archery-only open</del>     | <del>The daily limit shall be</del>  |           |
| 200 |             | <del>season Jan. 1 — Jan. 31 in the counties</del>   | <del>ten antlerless deer and</del>   |           |
| 201 |             | <del>of Clayton, Cobb, DeKalb, Forsyth,</del>        | <del>two antlered bucks. The</del>   |           |
| 202 |             | <del>Fulton, Gwinnett, and Rockdale due to</del>     | <del>season limit shall be ten</del> |           |
| 203 |             | <del>the extra need for herd reduction in that</del> | <del>antlerless deer and two</del>   |           |
| 204 |             | <del>urban and suburban area of the state as</del>   | <del>antlered bucks.</del>           |           |
| 205 |             | <u>may be appropriate and based solely on</u>        | <del>Only one antlered buck</del>    |           |
| 206 |             | <u>sound wildlife management principles,</u>         | <del>may have less than four</del>   |           |
| 207 |             | <u>the department may by rule extend the</u>         | <del>points one inch or</del>        |           |
| 208 |             | <u>season by region, by county, or locale to</u>     | <del>longer on one side of</del>     |           |
| 209 |             | <u>Jan. 31 for archery only</u>                      | <del>the antlers.</del>              |           |
| 210 |             |  | <del>Up to two deer per</del>        |           |
| 211 |             |  | <del>managed hunt may be</del>       |           |
| 212 |             |  | <del>allowed on wildlife</del>       |           |
| 213 |             |  | <del>management areas</del>          |           |
| 214 |             |  | <del>without complying</del>         |           |
| 215 |             |  | <del>with the state-wide bag</del>   |           |
| 216 |             |  | <del>limit.</del>                    |           |
| 217 |             |  | <u>The department may</u>            |           |
| 218 |             |  | <u>by rule exempt deer</u>           |           |
| 219 |             |  | <u>taken on department</u>           |           |
| 220 |             |  | <u>managed lands from</u>            |           |
| 221 |             |  | <u>the state-wide bag</u>            |           |
| 222 |             |  | <u>limit.</u>                        |           |
| 223 | (5) Bobcat  | Oct. 15 — Feb. 29                                    | No limit                             | No limit  |
| 224 | (6) Opossum | <del>(A) Oct. 15 — Feb. 29, for that area</del>      | No limit                             | No limit  |
| 225 |             | <del>north of and including Haralson,</del>          |                                      |           |
| 226 |             | <del>Paulding, Bartow, Cherokee, Forsyth,</del>      |                                      |           |
| 227 |             | <del>Hall, Banks, Franklin, and Hart counties;</del> |                                      |           |
| 228 |             | <del>and</del>                                       |                                      |           |
| 229 |             | <del>(B) Jan. 1 — Dec. 31 for the</del>              | No limit                             | No limit  |
| 230 |             | <del>remainder of the state</del>                    |                                      |           |
| 231 | (7) Rabbit  | Nov. 1 — Feb. 29                                     | 12                                   | No limit  |





**SECTION 7.**

The Official Code of Georgia Annotated is amended by replacing "conservation ranger" with "game warden" and "conservation rangers" with "game wardens" wherever the former terms occur in:

- (1) Code Section 12-5-289, relating to inspection of marshlands;
- (2) Code Section 16-10-24, relating to obstructing or hindering law enforcement officers and penalties;
- (3) Code Section 16-11-129, relating to weapons carry license, gun safety information, temporary renewal permit, mandamus, and verification of license;
- (4) Code Section 27-1-6, relating to powers and duties of the Department of Natural Resources generally;
- (5) Code Section 27-1-16, relating to establishment of a unit for conservation rangers, qualifications, appointment, and supervisory personnel, and retention of badge and weapon upon disability retirement;
- (6) Code Section 27-1-17, relating to deputy conservation rangers;
- (7) Code Section 27-1-18, relating to powers of conservation rangers generally;
- (8) Code Section 27-1-19, relating to power of conservation rangers and deputy conservation rangers to arrest persons and procedure upon failure of person arrested to appear to answer charges;
- (9) Code Section 27-1-20, relating to additional powers of conservation rangers and functions of other agencies assigned to department;
- (10) Code Section 27-1-21, relating to seizure of disposal of wildlife illegally taken or possessed, civil action by possessor, disposal of wildlife unable to be stored, and disposition of unmarketable items;
- (11) Code Section 27-1-24, relating to inspection of vessels and boats;
- (12) Code Section 27-1-25, relating to interference with arrest or performance of ranger's duties;
- (13) Code Section 27-2-5, relating to required hunter education courses;
- (14) Code Section 27-2-28, relating to refusing inspection of identification or license, making false statements in obtaining a license or permit, counterfeiting or alteration, and unlawful collection of funds;
- (15) Code Section 27-3-9, relating to unlawful enticement of game;
- (16) Code Section 27-3-49, relating to killing of dogs running deer;
- (17) Code Section 27-3-63, relating to general offenses and penalties;
- (18) Code Section 27-3-68, relating to confiscation and disposal of unlawful devices;
- (19) Code Section 27-3-71, relating to reports and records of fur dealers and inspection of premises;

- (20) Code Section 27-3-92, relating to transportation of wildlife out of state;
- (21) Code Section 27-4-2, relating to fishing in waters or from lands of another without permission and obstruction or interference with rights of others;
- (22) Code Section 27-4-5, relating to methods for taking fish generally;
- (23) Code Section 27-4-7, relating to use of gill nets and seizure of illegal nets;
- (24) Code Section 27-4-76, relating to licensing of wholesale and retail fish dealers and sale, transportation into state, or possession of live fish and fish eggs;
- (25) Code Section 27-4-92, relating to lawful baskets;
- (26) Code Section 27-4-150, relating to taking, possessing, and dealing in crabs and peelers and required records;
- (27) Code Section 27-4-151, relating to use of crab traps, identification of boats or vessels, and closure of salt waters authorized;
- (28) Code Section 27-4-199, relating to evidence of intent to use as food and inspection of businesses;
- (29) Code Section 35-4-2, relating to definitions relative to the Georgia Police Academy;
- (30) Code Section 42-8-60, relating to probation prior to adjudication of guilt, violation of probation, and review of criminal record by judge;
- (31) Code Section 47-2-110, relating to retirement ages, application and eligibility for a retirement allowance, suspension of retirement allowance upon reemployment, and health benefits;
- (32) Code Section 47-2-111, relating to persons eligible to retire at age 55;
- (33) Code Section 47-2-221, relating to disability allowances payable to personnel for certain disabilities arising in the line of duty;
- (34) Code Section 47-2-226, relating to certain law enforcement officers permitted to obtain creditable service in retirement system under certain conditions, "law enforcement officer" defined, and payment of full actuarial value to applicant; and
- (35) Code Section 52-7-25, relating to enforcement of general provisions regarding watercraft.

## **SECTION 8.**

All laws and parts of laws in conflict with this Act are repealed.